

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MATTHEW G. SILVA,)	CASE NO. C04-1484-JCC-MAT
)	
Plaintiff,)	
)	
v.)	ORDER DENYING PLAINTIFF'S
)	SECOND MOTION FOR
KING COUNTY, <i>et al.</i> ,)	PRELIMINARY INJUNCTIVE
)	RELIEF
Defendants.)	

This matter comes before the Court on the Report and Recommendation (Dkt. No. 149) of the Honorable Mary Alice Theiler, United States Magistrate Judge. The Court has reviewed Plaintiff's civil rights complaint, Plaintiff's second motion for preliminary injunctive relief, the Report and Recommendation ("R&R"), Plaintiff's Objections to the R&R, and the remaining record, and hereby finds and rules as follows.

In her R&R Judge Theiler concludes that Plaintiff's second motion for preliminary injunctive relief should be denied because Plaintiff fails to demonstrate that he has or will suffer irreparable harm absent a preliminary injunction. Plaintiff objects that the "irreparable injury" standard is "insurmountable" and "fails to hold the Defendants to their burden of establishing the Constitutional adequacy of their legal access policies." (Objections at 1.) While Plaintiff may feel that the "irreparable injury" standard is too high, it is nonetheless the standard the Ninth Circuit has set forth as the proper standard for considering requests for preliminary injunctive relief. *See*,

01 *e.g., Cassim v. Bowen*, 824 F.2d 791, 795 (9th Cir. 1987); *Caribbean Marine Servs. Co. v.*
02 *Baldrige*, 844 F.2d 668, 674 (9th Cir. 1988); *Int'l Jensen, Inc. v. Metrosound U.S.A., Inc.*, 4
03 F.3d 819, 822 (9th Cir. 1993). Plaintiff's Objections fail to convince the Court that he is suffering
04 injury sufficient to warrant the issuance of a preliminary injunction. Finding no error in Judge
05 Theiler's reasoning, Plaintiff's second motion for preliminary injunction must be denied.

06 IT IS SO ORDERED:

- 07 (1) The Court adopts the Report and Recommendation.
- 08 (2) Plaintiff's second motion for preliminary injunctive relief (Dkt. No. 107) is
09 DENIED.
- 10 (3) The Clerk is directed to send copies of this Order to plaintiff, to counsel for
11 defendants, and to the Honorable Mary Alice Theiler.

12 DATED this _17th_ day of May, 2005.

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14 UNITED STATES DISTRICT JUDGE
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